

REMARKS

Favorable reconsideration of this application is respectfully requested.

Claims 1-4, 6-9, 11, 12, and 14 are pending in this application. Claims 1-4, 6-9, 11, and 14 were rejected under 35 U.S.C. § 102(e) as anticipated by U.S. Patent Application Publication 2003/0070173 to Nakano et al. (herein "Nakano"). Claim 12 was rejected under 35 U.S.C. § 103(a) as unpatentable over Nakano in view of U.S. Patent Application Publication 2001/0049826 to Wilf. Those rejections are traversed by the present response as discussed next.

Each of independent claims 1 and 7 is amended by the present response to clarify features recited therein, and the amended claims are believed to clearly distinguish over Nakano.

Independent claim 1 now clarifies the "synchronizing portion" is configured to extract "a feature amount", and to search for a corresponding "feature amount" in associated media data. The above-noted subject matter is discussed in the present specification see for example page 23, line 11 *et seq.* and Figures 7 and 8 in the present specification.

Independent Claim 1 is directed to a media data audio-visual device that can perform synchronization to correct time differences, and in which feature amount data is extracted from stored metadata, and a corresponding feature amount is searched for in the associated metadata to correct for such time differences, see for example Figures 7 and 8 in the present specification.

Applicant submits the outstanding rejection is misconstruing Nakano relative to the claim features as Nakano is not directed to a device that extracts a feature amount from metadata and searches for a corresponding feature amount in associated media data, and which can correct *time* differences between the metadata and the media data.

Nakano is directed to a delivery server delivering image contents, and which particularly makes it easier to search contents by using tags. Nakano specifically discloses databases of a server and a client are updated so that target tags in the databases match, see Nakano at paragraphs [0054]-[0055]. In those paragraphs Nakano discloses determining whether image information indicated by a tag matches image information already stored in a database of a delivery server, and if a match is made the information is delivered to a client. At no point does Nakano disclose or suggest correcting any *time* differences between the metadata and the media data based on a feature amount extracted from a metadata and a corresponding feature amount searched for in the associated media data. A “tag” as in Nakano is not a feature amount of a metadata, i.e., is not part of an image that occurs in the media data at the time the metadata is created, see the specification at page 23, lines 13-19.

One basis for maintaining the outstanding rejection indicates in Nakano the server “...synchronizes the information down to the client; [0147]-[0158]...If it does not, content is synchronized to the metadata and sent down to the client, [0146], where the database gets updated by synchronizing the new image data to the existing/new metadata ([0050]-[0051])”.¹

In reply to that grounds for rejection, applicants note the “synchronization” in the claimed invention differs from what is cited as “synchronizing” in Nakano. Nakano discloses synchronizing data, but does not perform any synchronization to correct *time* differences. One object of the claimed invention is to couple metadata and media data at an appropriate timing. To achieve that result, the claimed invention extracts a “feature amount”, a feature of an image occurring in the media data at the time the metadata is created, and performs

¹ Office Action of April 18, 2008, the sentences bridging pages 2 and 3.

synchronization based on the feature amount in addition to time data. Nakano does not disclose or suggest such features.

In such ways, applicants respectfully submit amended independent claim 1, and thereby the claims dependent therefrom, patentably distinguish over Nakano.

Independent claim 7 is herein amended to clarify “the creator of the specific metadata does not correspond to a client media data audio-visual device at which a search request for searching for the specific metadata was input”. With respect to Figure 1B in the present specification as a non-limiting example, if the “creator of the specific metadata” is a user of the client media data audio-visual device 10-1, the recited “client media data audio-visual device at which a search request for searching for the specific metadata was input” would correspond to the client media data audio-visual device 10-2. Thereby, as clarified in independent claim 7, the sender of the search request is not identical with the creator of the metadata.

In contrast to the features recited in independent claim 7, the outstanding Office Action indicates the device of Nakano “keeps track of where the metadata is and therefore, inherently, has to know who has it (its creator). Additionally, given that metadata is created by the server, and any of the clients, the sender of a DTD is the creator of the metadata...”.²

Applicants note another portion of the grounds for rejection appears to contradict the above-noted basis for the rejection, and specifically the Office Action at the top of page 10 indicates Nakano is applied such that the receiver of the metadata (client 1) is the creator of the metadata.

² Office Action of April 18, 2008, top of page 4 (original emphasis).

Thereby, the outstanding rejection appears to contradict itself as at one point the rejection indicates the metadata is created by the server, but at another point indicates the metadata is created at the receiver.

One further grounds for the rejection to claim 7 indicates in Nakano “as part of the information of the video, the name of the person who recorded the video or added information is in the XML file or DTD”.³

Applicants submit the above-noted grounds for rejection is incorrect. In Nakano the names of the persons in the XML file or DTD do not include the creators name, but instead the names in the XML file or DTD represent who is starring in the video, see paragraphs [0096] and [0098] and a person who recorded the image, see paragraph [0063].

In that respect applicants also note DTD and metadata are two different entities, and identifying the creator of the DTD does not at all indicate identifying the creator of the metadata.

Thereby, applicants respectfully submit Nakano further does not disclose or suggest a server “storing metadata creator data” as specifically recited in independent claim 7.

In view of the foregoing comments applicants respectfully submit amended independent claim 7, and thereby the claims dependent therefrom, also distinguish over Nakano.

The present response also adds new dependent claim 20 for examination, which further recites “the synchronizing portion is configured to couple the metadata with the associated media data by synchronizing the metadata and the media data so that the extracted feature amount timely matches the searched for corresponding feature amount”. Such features are believed to be clear from the original specification, see for example the

³ Office Action of April 18, 2008, page 4, lines 8-9.

specification at page 23, line 11 *et seq.* Such further features are believed to even further distinguish over the applied art to Nakano.

Moreover, no disclosure in Wilf were cited with respect to the above-noted features, and no disclosures in Wilf are believed to cure the above-noted deficiencies in Nakano.

As no other issues are pending in this application, it is respectfully submitted that the present application is now in condition for allowance, and it is hereby respectfully requested that this case be passed to issue.

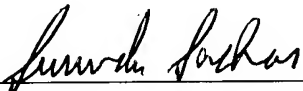
Respectfully submitted,

OBLON, SPIVAK, McCLELLAND,
MAIER & NEUSTADT, P.C.

Customer Number
22850

Tel: (703) 413-3000
Fax: (703) 413 -2220
EHK/SNS:sjh

I:\ATTY\SNS\24's\245454\245454US-AM1.DOC



Eckhard H. Kuesters
Registration No. 28,870

Surinder Sachar
Registration No. 34,423
Attorneys of Record